

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 7396**

**Respondents:** Beth Lindstrom for US Senate,  
Inc. and Cabell Hobbs, as  
Treasurer ("the Committee")<sup>1</sup>

**Complaint Receipt Date:** May 29, 2018

**Response Date:** June 18, 2018

**EPS Rating:**

**Alleged Statutory**

**52 U.S.C. § 30120(a)(1), (c)**

**Regulatory Violations:**

**11 C.F.R. § 110.11(a)(1), (b)(1), (c)(2)**

The Complaint alleges that a printed card disseminated by the Committee contained a "paid for" disclaimer that violated the Commission's regulations because the printing was too small, too light, and did not contrast sufficiently with its background.<sup>2</sup> The Response states that the disclaimer complies with the regulations because it is the same type size as the text immediately above it, and the color contrast (dark blue ink on a solid white background) is sufficient.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the

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<sup>1</sup> Beth Lindstrom is a 2018 candidate for the U.S. Senate from Massachusetts. Beth Lindstrom for US Senate, Inc. is her principal campaign committee.

<sup>2</sup> Although not raised in the Complaint, we note that the disclaimer is not contained in a printed box as required by 52 U.S.C. § 30120(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii).

unlikeliness the general public would have been confused as to who was responsible for the printed card, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

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June 29, 2018

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